

ZONING MAP CHANGE REPORT

Meeting Date: August 15, 2011

Table A. Summary			
Application Summary			
Case Number	Z1100009	Jurisdiction	City
Applicant	M.M. Fowler, Inc.	Submittal Date	April 11, 2011
Reference Name	Guess Road Family Fare	Site Acreage	0.074
Location	2724 Guess Road, southeast of the intersection of Guess Road and North Pointe Drive		
PIN(s)	0823-17-10-6033		
Request			
Proposed Zoning	Commercial General (CG)	Proposal	Convenience store with fuel sales (not committed)
Site Characteristics			
Development Tier	Urban		
Land Use Designation	Commercial		
Existing Zoning	Residential Suburban – 8 (RS-8)		
Existing Use	Vacant Commercial		
Overlay	N/A	Drainage Basin	Falls Lake
River Basin	Neuse	Stream Basin	Ellerbe Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval, 12 – 0 on June 14, 2011. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing, the information in the staff report.		
DOST	None provided		
BPAC	None provided		

A. Summary

This is a request to change the zoning designation of 0.074 acres of a 0.11- acre parcel from RS-8 to CG, thus designating the entirety of this currently split-zoned parcel as CG. The subject property is located at 2724 Guess Road, southeast of the intersection of Guess Road and North Pointe Drive (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this parcel as Commercial. Appendix A provides supporting information.

B. Site History

There have been no recent development requests for this site. The present designation of RS-8 is a remnant portion of the residential district to the north, so designated prior to the development of North Pointe Commons and construction of North Pointe Drive.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested CG zoning district.

Appendix D provides supporting information.

Determination. This site is too small to be developed under the UDO. Prior to any development approvals, the applicant will be required to recombine with the adjoining parcel to meet minimum dimensional standards.

E. Adopted Plans

A zoning map change request shall be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested zoning district is consistent with Future Land Use Map as well as other applicable policies of the *Durham Comprehensive Plan*.

F. Site Conditions and Context

Site Conditions. This site, and the parcel as a whole, is presently vacant with no impervious surface. There is a specimen tree close to the frontage along North Pointe Drive and the root protection zone is partially within the right-of-way and on neighboring properties. The site is flat and at-grade with the street.

Area Characteristics. This site is in the Urban Tier and part of a site that has frontage on Guess Road and North Pointe Drive. The site is less than ¼ mile north of an exit ramp from Interstate-85. This portion of Guess Road is lined with automobile and small-scale retail services, while North Pointe Drive provides access to larger-scale “big-box” development.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed CG district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed CG district is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

H. Staff Analysis

Staff has determined that this request is consistent with the *Comprehensive Plan* and other adopted policies and ordinances. The present designation of RS-8 is a remnant portion of the residential district to the north, so designated prior to the development of North Pointe Commons and construction of North Pointe Drive. Approval of this request would remove split-zoning from this parcel and allow the owner to develop the property through regulations of a single zoning district. CG is appropriate at this location given its proximity to Interstate-85 and the site’s location on a major thoroughfare, Guess Road.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Chad Huffine, The Leads Group, PA	Ph: 336-227-8724	engineer@leadsgrouppa.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Partners Against Crime – District 2
- Ellerbee Creek Watershed Association
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting June 14, 2011 (Case Z1100009)

Zoning Map Change Request: RS-8 to CG

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Chair Brown opened the public hearing. One person spoke in favor and none spoke against. Chair Brown closed the public hearing.

Commission Discussion: None.

Motion: Recommend Approval (Mr. Brine, Ms. Beechwood 2nd)

Action: Motion carried, 12-0.

Findings: The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing, the information in the staff report.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Application 5. Owner's Acknowledgement 6. Submittal and Review History
Appendix B	Site History	n/a
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a
Appendix K	Summary of Planning Commission Meeting	Attachments: <ol style="list-style-type: none"> 7. Planning Commissioner's Written Comments 8. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Application
5. Owner's Acknowledgement
6. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CG	Commercial General: the CG district is established to provide for a wide variety of commercial activities of varying scales that are designed to be served by major thoroughfares; therefore, should be convenient to automotive traffic and maintain safe traffic flows. While CG is a commercial district, other uses such as residential and office may also be allowed. Some of the uses allowed in this district include hotels, self-service storage, car washes, and vehicle sales

Table D2. District Requirements - CG			
	Code Provision	Required	Proposed
Minimum Site Area (square feet)	6.10.1.C	20,000	38,202*
Minimum Lot Width (feet)	6.10.1.B	100	100

*The minimum calculation represents the proposed site area, which is larger than the area being rezoned.

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Commercial
2.2.5a	Demand for Commercial Land
2.2.5b	Spacing of Commercial Development
2.2.5c	Strip Commercial Development
8.1.2m	Transportation Level of Service
9.4.1a, b	Water Quantity and Quality Level of Service
11.1.1a	School Level of Service

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Single-family residential*	RS-8	n/a
East	Single-family residential*	RS-8	n/a
South	Commercial retail services	CG	n/a
West	Commercial retail services	CG, CN	n/a

*adjacent to North Pointe Drive, approximately 80-foot of right-of-way

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Guess Road is the major road impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.		
Affected Segments		Guess Road
Current Roadway Capacity (LOS D) (AADT)		34,900
Latest Traffic Volume (AADT)		24,000
Traffic Generated by Present Designation (average 24 hour)*	10	
Traffic Generated by Proposed Designation (average 24 hour)**	139	
Impact of Proposed Designation	+129	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

Guess Road: 4-lane undivided class I arterial with left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

***Assumption-** (Max Use of Existing Zoning) –RS-8: 1 single-family home

** **Assumption-** (Max Use of Proposed Zoning) – CG: 1 drive-up ATM

Table G2. Transit Impacts
Transit service is currently provided adjacent to the site along North Pointe Drive via DATA Route #1.

Table G3. Utility Impacts
This site is served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review.

Table G5. School Impacts			
The proposed zoning is not estimated to generate any students. Durham Public Schools serving the site are Holt Elementary School, Brogden Middle School, and Riverside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	15,972	8,523	9,971
Maximum Building Capacity (110% of Building Capacity)	17,569	9,375	10,968
20th Day Attendance (2009-10 School Year)	16,027	6,723	9,639
Committed to Date (April 2008 – March 2011)	409	133	85
Available Capacity	1,022	2,656	1,222
Potential Students Generated – Current Zoning*	0	0	0
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	0	0	0

*Assumption- (Max Use of Existing Zoning) –RS-8: 1 single-family home

** Assumption- (Max Use of Proposed Zoning) – CG: 1 apartment

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 312 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 157 GPD increase over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	20.19 MGD
Approved Zoning Map Changes (April 2008 –March 2011)	1.45 MGD
Available Capacity	15.36 MGD
Estimated Water Demand Under Present Zoning*	155 GPD
Potential Water Demand Under Proposed Zoning**	96 GPD
Potential Impact of Zoning Map Change	-59 GPD

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) –RR: 1 single-family home.

** Assumption- (Max Use of Proposed Zoning) – CG: 766 square feet retail

Appendix K: Summary of Planning Commission Meeting Supporting Information

Attachments:

7. Planning Commissioner's Written Comments
8. Ordinance Form